

Docket # 07-52

Representative Xavier Becerra
U.S. House of Representatives
1119 Longworth House Office Building
Washington, DC 20515-0001

Dear Representative Becerra,

The FCC is currently reviewing a proposed merger between AT&T and BellSouth, a multibillion-dollar deal that would constitute the largest merger in the history of U.S. telecommunications. The FCC's responsibility to impose conditions on a merger of this size is critically important to protect consumers.

Good-faith negotiations on the conditions of this merger have been ongoing. A central issue has been whether AT&T will honor Net Neutrality -- a principle strongly supported by the public that prevents Internet service providers from discriminating between Web sites or impairing their customers' access to content produced by competitors. This is a reasonable condition that puts a clear check on the market power of this network giant.

Commissioner Robert McDowell, a recent arrival at the FCC, has properly recused himself from the proceeding, citing conflicts of interest because his former employer has a major stake in its outcome. We applaud his ethical stance, which demonstrates a commitment to forthright public service.

With the four remaining FCC Commissioners evenly split on the merger conditions, rather than engage in a good-faith compromise, AT&T has pushed FCC Chairman Kevin Martin to take an extraordinary and troubling step -- "un-recuse" Commissioner McDowell and force him to vote on the merger. Forcing Commissioner McDowell to cast the deciding vote would be an unprecedented affront to the public's demand for ethical and impartial policymaking. With the future of the Internet and other communications at stake, the public interest cannot be served by agencies that seek to actively override previously-admitted conflicts of interest.

In a recent letter to FCC Chairman Martin, Representatives John Dingell (D-Mich.) and Edward Markey (D-Mass.) have asked that the merger be handled "without compromising the ethical standards of the independent agency or the individual Commissioners involved." Incoming Senate Commerce Committee Chairman Daniel Inouye has echoed the sentiment in a letter of his own: "I hope you will reconsider your decision to waive the ethical rules presently precluding Commissioner McDowell's participation and return to serious negotiations with your colleagues at the Commission. These rules and the rules of professional responsibility in general exist for a reason and should not be tossed away lightly."

Big issues like the future of the Internet are at stake, and there are clear ethical lines that Commissioner McDowell has respected. As members of the public, we ask that Congress hold Chairman Martin to the same standard.

Sincerely,
Henry Gross
511 S. Carondelet St.
Los Angeles, CA 90057
cc: Federal Communications Commission

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Office of the Secretary

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